

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD**  
**SAN FRANCISCO BAY REGION**

**RESOLUTION R2-2007-0011**

**AMENDING THE WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY  
REGION TO ESTABLISH A TOTAL MAXIMUM DAILY LOAD (TMDL) FOR SEDIMENT  
IN THE NAPA RIVER, AND AN IMPLEMENTATION PLAN TO ACHIEVE THE TMDL  
AND RELATED HABITAT ENHANCEMENT GOALS**

WHEREAS the California Regional Water Quality Control Board, San Francisco Bay Region (Water Board), finds that:

1. An updated Water Quality Control Plan for the San Francisco Bay Region (Basin Plan) was adopted by the Water Board on January 21, 2004, approved by the State Water Resources Control Board (State Board) on July 22, 2004, and approved by the Office of Administrative Law (OAL) on October 4, 2005.
2. The Basin Plan may be amended in accordance with California Water Code § 13240, et seq.
3. The Basin Plan amendment, including specifications on its physical placement in the Basin Plan, is set forth in Exhibit A. The Basin Plan amendment will establish the following: a) a sediment TMDL for the Napa River at 125 percent of natural background (185,000 metric tons/year); b) numeric targets for spawning gravel permeability and the depth of streambed scour; c) allocations for all significant sediment sources; and d) an implementation plan to achieve the TMDL and related habitat enhancement goals.
4. The Napa River is listed pursuant to Federal Clean Water Act § 303(d) requirements as an impaired waterbody due to fine sediment deposition.
5. The Napa River is not meeting narrative water quality objectives for sediment, settleable material, and population and community ecology, due to excess erosion and sedimentation in the Napa River watershed.
6. Under Clean Water Act § 303(d), the Water Board is required and authorized to establish the total maximum daily load (TMDL) for those pollutants identified as causing impairment of waters on the § 303(d) list. Additionally, under California Water Code § 13242 the Water Board is authorized to develop an implementation program for achieving water quality objectives.
7. The scientific basis for the TMDL was subjected to an independent, external peer review pursuant to the requirements of California Health and Safety Code § 57004. Water Board staff revised the proposed Basin Plan amendment in response to the comments provided by the reviewers, or provided a written response which explained the basis for not incorporating their comments. The peer reviewers' responses confirmed that the rule making portions of

the proposed TMDL and implementation plan are based on sound scientific knowledge, methods, and practices.

8. A draft Basin Plan amendment, Staff Report, and Environmental Checklist were prepared, publicly noticed, and distributed for public review and comment on June 30, 2006, in accordance with applicable state and federal laws and regulations.
9. On September 13, 2006, the Water Board held a public hearing to consider the Basin Plan amendment, after a 45-day public comment period.
10. On January 23, 2007, the Water Board held a second public hearing to consider the Basin Plan amendment, and the changes made thereto in response to public comments.
11. The process of basin planning has been certified by the Secretary for Resources as exempt from the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code § 21000 et seq.) to prepare an Environmental Impact Report or Negative Declaration. The Basin Plan amendment package includes a Staff Report, an Environmental Checklist, an assessment of the potential environmental impacts of the Basin Plan amendment, and a discussion of alternatives. The Basin Plan amendment, Environmental Checklist, Staff Report, and supporting documentation serve as a substitute environmental document under the Water Board's certified regulatory program. The Water Board has duly considered the Environmental Checklist, Staff Report, and supporting documentation with respect to environmental impacts and finds that the Basin Plan amendment will not have any significant impact on the environment. The Water Board further finds, based on consideration of the record as a whole, that there is no potential for adverse effect, either individually or cumulatively, on wildlife as a result of the proposed Basin Plan amendment.
12. The Water Board has carefully considered all comments and testimony received, including responses thereto, on the Basin Plan amendment, as well as all of the evidence in the administrative record.
13. The Basin Plan amendment must be submitted for review and approval by the State Board, OAL, and the United States Environmental Protection Agency (USEPA). Once approved by the State Board, the amendment will be submitted to OAL and USEPA. The Basin Plan amendment will become effective upon approval by OAL and USEPA.

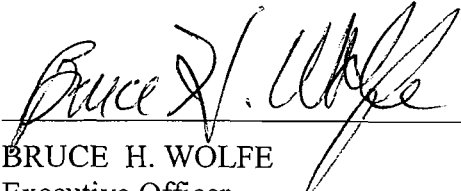
NOW, THEREFORE BE IT RESOLVED THAT:

1. The Water Board adopts the Basin Plan amendment as set forth in Exhibit A hereto, that establishes the TMDL and Implementation Plan to achieve the TMDL and related habitat enhancement goals.
2. The Executive Officer is directed to forward copies of the Basin Plan amendment to the State Board in accordance with the requirement of California Water Code § 13245.
3. The Water Board requests that the State Board approve the Basin Plan amendment, in accordance with the requirements of California Water Code § 13245 and § 13246, and forward it to the OAL and USEPA for approval.
4. If, during the approval process, Water Board staff, the State Board, or OAL determines that minor, non-substantive corrections to the language of the amendment and supporting

documentation are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Water Board of any such changes.

5. Because the Basin Plan amendment will involve no potential for adverse effect, either individually or cumulatively, on wildlife, the Executive Officer is directed to sign a Certificate of Fee Exemption for a "De Minimis" Impact Finding and to submit the exemption in lieu of payment of the Department of Fish and Game CEQA filing fee.

I, Bruce H. Wolfe, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on January 23, 2007.

  
BRUCE H. WOLFE  
Executive Officer

#### Attachment

Exhibit A - Basin Plan Amendment to Establish a Total Maximum Daily Load for Sediment in Napa River and an Implementation Plan to Achieve the TMDL and Related Habitat Enhancement Goals